

Notice of Allowability**Application No.**

10/797,906

Examiner

JASON B. DUNHAM

Applicant(s)

SUZUKI ET AL.

Art Unit

3625

- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Examiner's Amendment dated 2/11/10 and Claims filed 10/22/09.
2. ☒ The allowed claim(s) is/are 1,38,40-49 and 52-62.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
(a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
(b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
Identifying Indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date 10/22/09, 1/6/10
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date 2/11/10
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

/Jason B Dunham/
Primary Examiner, Art Unit 3625

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Tara Hutchings, attorney of record, on February 11, 2010.

The application has been amended as follows:

1. (currently amended) A computer-implemented method comprising:
receiving, at a third party facilitator of a transaction, a file including item description data which describes items, and enhanced data which specifies an approach for conducting the transaction and which supplies value benchmarks for the items;

monitoring performance of the transaction as the transaction is being facilitated by the third party facilitator over one or more online channels;

using one or more processors to calculate metrics for the items based on comparing the monitored performance of the transaction to the supplied value benchmarks;

using the calculated metrics and historical transaction data to generate, by the third party facilitator, a recommendation for improving the performance of the transaction, the recommendation suggesting that a quantity and type of items being sold

should be adjusted to different values than were specified by the owner of the items, for any remaining portion of the transaction;

presenting a dashboard interface to the owner of the items, the dashboard interface providing the calculated metrics and the recommendation of the third party facilitator for improving the performance of the transaction;

permitting the owner to adjust the approach for conducting the remaining portion of the transaction, using the dashboard interface; and

selecting a fulfillment center that is appropriate to the items, based on the description data or the enhanced data, the fulfillment centers comprise warehouse, shipping, storage, or distribution centers for the items being transacted, and the fulfillment center is selected from the group consisting of a new-in-box fulfillment center, a refurbishment fulfillment center, and a fragmented inventory fulfillment center; and

facilitating the remaining portion of the transaction according to the adjusted approach.

39. (cancelled)

52. (currently amended) A computer readable medium encoded with a computer program comprising instructions that, when executed, operate to cause a computer to perform operations comprising:

receiving, at a third party facilitator of a transaction, a file including item description data which describes items, and enhanced data which specifies an approach for conducting the transaction and which supplies value benchmarks for the items;

monitoring performance of the transaction as the transaction is being facilitated by the third party facilitator over one or more online channels;

using one or more processors to calculate metrics for the items based on comparing the monitored performance of the transaction to the supplied value benchmarks;

using the calculated metrics and historical transaction data to generate, by the third party facilitator, a recommendation for improving the performance of the transaction, the recommendation suggesting that a quantity and type of items being sold should be adjusted to different values than were specified by the owner of the items, for any remaining portion of the transaction;

presenting a dashboard interface to the owner of the items, the dashboard interface providing the calculated metrics and the recommendation of the third party facilitator for improving the performance of the transaction;

permitting the owner to adjust the approach for conducting the remaining portion of the transaction, using the dashboard interface; and

selecting a fulfillment center that is appropriate to the items, based on the description data or the enhanced data, the fulfillment centers comprise warehouse, shipping, storage, or distribution centers for the items being transacted, and the fulfillment center is selected from the group consisting of a new-in-box fulfillment center, a refurbishment fulfillment center, and a fragmented inventory fulfillment center; and

facilitating the remaining portion of the transaction according to the adjusted approach.

53. (currently amended) A system comprising:

one or more computers; and

a computer-readable medium coupled to the one or more computers having instructions stored thereon which, when executed by the one or more computers, cause the one or more computers to perform operations comprising:

receiving, at a third party facilitator of a transaction, a file including item description data which describes items, and enhanced data which specifies an approach for conducting the transaction and which supplies value benchmarks for the items;

monitoring performance of the transaction as the transaction is being facilitated by the third party facilitator over one or more online channels;

using one or more processors to calculate metrics for the items based on comparing the monitored performance of the transaction to the supplied value benchmarks;

using the calculated metrics and historical transaction data to generate, by the third party facilitator, a recommendation for improving the performance of the transaction, the recommendation suggesting that a quantity and type of items being sold should be adjusted to different values than were specified by the owner of the items, for any remaining portion of the transaction;

presenting a dashboard interface to the owner of the items, the dashboard interface providing the calculated metrics and the recommendation of the third party facilitator for improving the performance of the transaction;

Art Unit: 3625

permitting the owner to adjust the approach for conducting the remaining portion of the transaction, using the dashboard interface; and

selecting a fulfillment center that is appropriate to the items, based on the description data or the enhanced data, the fulfillment centers comprise warehouse, shipping, storage, or distribution centers for the items being transacted, and the fulfillment center is selected from the group consisting of a new-in-box fulfillment center, a refurbishment fulfillment center, and a fragmented inventory fulfillment center; and

facilitating the remaining portion of the transaction according to the adjusted approach.

REASONS FOR ALLOWANCE

The following is an examiner's statement of reasons for allowance:

Upon review of the evidence at hand, it is hereby concluded that the evidence obtained and made of record, alone or in combination, neither anticipates, reasonably teaches, nor renders obvious the below noted features of applicant's invention as the noted features amount to more than a predictable use of elements in the prior art. The allowable features include "using the calculated metrics and historical transaction data to generate, by the third party facilitator, a recommendation for improving the performance of the transaction, the recommendation suggesting that a quantity and type of items being sold should be adjusted to different values than were specified by the owner of the items, for any remaining portion of the transaction and selecting a fulfillment center that is appropriate to the items, based on the description data or the enhanced data, the fulfillment centers comprise warehouse, shipping, storage, or distribution centers for the items being transacted, and the fulfillment center is selected from the group consisting of a new-in-box fulfillment center, a refurbishment fulfillment center, and a fragmented inventory fulfillment center".

In addition to the above, the Examiner emphasizes the interrelation of the above distinguishing elements with the remainder of each respective claim element, and further notes that it is the interrelation that truly distinguishes Applicant's invention from the evidence at hand. Moreover, none of the evidence at hand teaches or suggests the combination of features claimed, nor does there exist an appropriate rationale for further modification of the evidence at hand.

The closest non-patent literature of record, Andale Einstein Product Showcase (see Reference U, attached PTO-892) discloses recommendations to sellers to maximize profits at auction but does not explicitly teach the above noted limitation.

It is hereby asserted by the Examiner that, in light of the above and in further deliberation over all of the evidence at hand, that the claims are allowable as the evidence at hand does not anticipate the claims and does not render obvious any further modification of the references to a person of ordinary skill in the art.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JASON B. DUNHAM whose telephone number is (571)272-8109. The examiner can normally be reached on M-F, 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeff Smith can be reached on 571-272-6763. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jason B Dunham/
Primary Examiner, Art Unit 3625